

**Notice of Allowability**

Application No.

10/730,335

Examiner

Olumide T. Ajibade-Akonai

Applicant(s)

BENCO ET AL.

Art Unit

2617

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/14/2006.
2. ☒ The allowed claim(s) is/are 1-28 and 30-33.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |  |  |
|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 5. <input type="checkbox"/> Notice of Informal Patent Application                      |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input type="checkbox"/> Examiner's Amendment/Comment                               |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance   |
|  | 9. <input type="checkbox"/> Other _____.   |

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### **DETAILED ACTION**

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

#### ***Allowable Subject Matter***

2. Claim 1-28 and 30-33 allowed.

The following is an examiner's statement of reasons for allowance:

Regarding claim 1, 11, 20 and 27, Steele 6,564,047 discloses providing a plurality of categories of usage associated with a mobile terminal, the mobile terminal having associated therewith predetermined amounts of time having associated therewith predetermined amounts of time respectively for the categories during a predetermined time interval.

The instant invention discloses Steele et al discloses a method for allowing a mobile subscriber to negotiate via a mobile terminal a trade of minutes by category according to a predetermined exchange rate as set forth by a service provider, the method comprising the steps of: providing a plurality of categories of usage associated with a mobile terminal, the mobile terminal having associated therewith predetermined amounts of time respectively for the categories during a predetermined time interval; tracking, by the telecommunication network, respective time used by the mobile terminal in each category of the plurality of categories during the predetermined time interval, the predetermined time interval being a billing cycle; selecting, at the mobile terminal, at least a portion of at least one remaining time in one category of the plurality of categories for transfer to at least one other category of the plurality of categories,

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for a respective category a remaining time of the respective category being a respective amount of time during the time interval less a respective current amount of used time for the respective category; and transferring, at the telecommunication network and according to the selection, at least a portion of at least one remaining time in one category of the plurality of categories to at least one other category of the plurality of categories. The step of transferring comprising at least one of a trade of off-peak minutes for peak minutes in a current billing cycle at a first predetermined exchange rate, a push of peak minutes in a current billing cycle to peak minutes in a next billing cycle at a second predetermined exchange rate, a pull of peak minutes in a next billing cycle into a peak minute category in a current billing cycle at a third predetermined exchange rate, and a pull of off-peak minutes in a next billing cycle into a peak minute category of a current billing cycle at a fourth predetermined exchange rate; the telecommunication network having a mobile switching center having a MSC time trade controller and the mobile terminal having a mobile time trade controller, a trade transaction request being formed by the mobile time trade controller, the trade transaction request being sent from the mobile terminal to the time trade controller in the mobile switching center and selection information, formed by the mobile time trade controller and based on current time used information being sent from the mobile terminal back to the mobile switching center. The above novel features are neither taught, suggested nor made obvious by Steele et al. Claims 2-10, 12-19, 21-28 and 30-33 are allowable based on their being dependent on claims 1, 11, 20 and 27.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Chaney 20030129962 discloses system and method of billing based on the reported traffic load in a telecommunications network.

Rahman et al 6,101,379 mobile terminal based tariff acquisition system for wireless services.

Chung et al 6,532,366 discloses a telephone call organizer.

Vedel 5,974,308 discloses selective broadcasting of charge rates.

Laufer 20040006507 discloses method for operating a combined hotel/limited time share facility.

Himmel et al 6,987,844 discloses caller-initiated transfer of services between telephones.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olumide T. Ajibade-Akonai whose telephone number is 571-272-6496. The examiner can normally be reached on M-F, 8.30p-5p.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OA

  
**JOSEPH FEILD**  
**SUPERVISORY PATENT EXAMINER**